

MAINE FIRE PROTECTION SERVICES COMMISSION MEETING MINUTES DECEMBER 3, 2001

The meeting of the Commission was called to order by Chairman Bill O’Gara at 1:05 P.M. Members present: Michael Albert, Jack Berry, Jeff Cammack, John Dean, Darrel Fournier, Al Godfrey, Ted Johnston, Randy Keep, Jeff Maker, Harty Norris, Bill O’Gara, Jethro Pease, Michael Quint, Christine Savage, Dave Wacker, Steve Willis and Susan Pinette (Staff). Members excused: Jay Bradshaw, John Cannon and Tom Parent. Guests: Earle Welch, Jr., Asst. Fire Chief – Wayne, Rep. Peter Rines and Dan Arms, MFT&E.

The meeting started with a discussion of the first paragraph under new business of the minutes of the November 19, 2001 meeting. John Dean had a question in his mind regarding when the Commission would handle the safety inspections and enforcement activities legislation. Would it be a part of the Commission’s report to the Legislature now being prepared, a friendly amendment to our proposed legislation or handled as a separate entity altogether? After an extensive discussion it was agreed that the Commission needs to stick with our five previously determined priorities and Harty Norris in conjunction with the Fire Marshal’s Office will move ahead with development of separate legislation for future Commission review.

The minutes of the November 19, 2001 meeting were accepted as presented.

Old Business

Darrel Fournier reported on the RFP’s. Only one was received on the recruitment and retention program area and none were received covering the healthcare bridge proposal. A discussion then ensued on how do we move ahead. Six proposals were sent out and as we received no returns on the healthcare bridge proposal we can directly contact agencies to try to get some answers. There are 3 large agencies that we might contact, namely – Cross Agency, Morse-Payson Agency and Dunlap Agency. A motion by Ted Johnston, 2nd by Steve Willis that Randy Keep be empowered to contact several agencies to see if they would be interested in submitting a proposal was approved.

Darrel Fournier then updated the Commission on the activities of the upcoming December 17, 2001 dinner meeting at the Maine Municipal Association facilities for Commission members and invited guests from various regional fire service organizations with a total of 40 people. The meeting will be from 5:00 to 8:00 P.M. with a buffet style dinner with the costs being split between The Maine Fire Chief’s Association, Maine State Federation of Firefighters, Maine Fire Training and Education and the Maine Fire Protection Services Commission. Steve Willis will develop a “short” power-point presentation outlining the Commission’s proposals to the upcoming session of the Legislature and is still soliciting bullets for the presentation. Knox and Waldo County Fire Association’s will be meeting that night and unable to attend and Darrel Fournier volunteered to take the power-point presentation to a future meeting of these groups. Jethro Pease suggested that we may want to take this dog and pony show out to half a dozen different locations around the state to insure we have everyone knowledgeable on the Commission’s plan.

Steve Willis reported that the training facilities sub-committee met briefly recently and decided to do a tour of the Maine Criminal Justice Academy in Vassalboro. Sherm Lahaie is currently trying to line up a tour of the facility on the morning of December 17, 2001 at around 10:00 A.M. and maybe have lunch there before attending the full Commission meeting at 1:00

P.M. All Commission members are invited to attend. Steve will send out information regarding time, lunch etc. as soon as it is available. Steve also spoke on the legislation proposed last year that would establish a central Fire/Emergency Services Training Academy as a part of the Maine Criminal Justice Academy and the fact that it was carried forward to the upcoming session. A suggested Task Force makeup is as follows: Fire Marshal's Office representative, Criminal Justice Academy representative, EMS representative, Maine Fire Chief's Association representative, 2 MSFFF representatives (1 volunteer & 1 call), Professional Firefighters of Maine representative and Maine insurance industry representative. It was agreed that we will need a lot of outreach to local groups as part of the process.

John Dean spoke on the death benefit program briefly spelling out how it will work. John advised that he would be asking for a cross-section of the fire service to assist his office in review of any claim requests. John agreed to send out the draft rulemaking to the Commission membership for review and report back to the next meeting if anything was found that bothered us.

Ted Johnston advised that having been away, he and Susan had not had the opportunity to meet with the Workers Compensation Board.

Chairman O'Gara referred to the longest paragraph in the November 19, 2001 meeting minutes where the Commission tried to define a firefighter and opened the subject to discussion again. A very lengthy discussion ensued after Steve Willis handed out and explained two documents that could be used to create the definition. Steve suggested that the firefighter be a "creditable" member of a department in order to qualify for a training grant. Jethro Pease advised that over 300 of our fire departments in the state are volunteer and we had better be sure that what we develop is not going to shut them out of the training grant process. We need to be sure that it is not so complicated that the beginning firefighters are not qualified because they might not be entry certified. These people are still very valuable on the fire ground in support roles and need to be recognized. Darrel Fournier commented that if the Commission recognizes the functions of the fire service – fire suppression, fire prevention and administrative support we are close to defining a firefighter. Steve Willis suggested that at the last meeting the functions were command, safety and operations that people would be credited for. It was finally agreed that if a firefighter provides 24 hours service in the area of responses and receives 24 hours of creditable training the member would be qualified for a training grant and the retirement benefit plan. Darrel Fournier recommended an option that communities could buy into the plan for some long-term members so that they wouldn't be left out of the program if everyone is to start at square zero when the plan is implemented. This would be a reward for dedicated service. It was agreed that 5 years service should probably be required to acquire vested interest in the plan and that at that point a member could buy back 5 years prior to the start of the program so that long time members would not be excluded. A discussion ensued regarding who would certify that these members would qualify for creditable years of service. One train of thought was that either the Maine Fire Chief's Association, the Fire Marshal's Office or Maine Fire Training and Education would have to be the certifying agency. The other thought expressed was that the local Fire Chief would be authorized to certify the firefighter with a caveat that the Chief would swear to the authenticity under penalty of perjury if falsifying documents. It was agreed that the local Chief should be authorized to certify the member under penalty of law if falsifying the documents. The discussion then moved to the area of how to solve the problem of how a member accrues hours of creditable service. It was agreed that time spent doing monthly checks of SCBA's, regular equipment checks, administrative paperwork documentation, NFPA required testing of fire hose,

etc. could probably be used to qualify. There are a number of things that many departments are not doing right now to insure that all of their equipment will work properly when needed. This incentive to check the equipment and accrue creditable hours should assist the departments members in qualifying for creditable service when they might not have many response hours. Jeff Cammack emphasized that if the local fire departments really desire the State to assist them in recruitment and retention, the locals have to realize it is a 50/50 deal. The locals must meet certain goals if the State is to join in. If the locals feel that they don't want to raise their standards then they need to know that they won't get State assistance.

Steve Willis made a motion, 2nd by Dave Wacker, that "A Creditable Firefighter is a member of a fire department who is certified to fill a function of an emergency incident organizational structure, has completed a minimum number of hours of training that year and has provided a minimum number of hours of creditable service that year." During the discussion of the motion it came up again that a third party such as MFCA, FMO or MFT&E should be the certifying agency. After considerable debate it was again agreed that the local Fire Chief or his/her designee should be the person certifying that a member has met the creditable requirements. The Chief or designee needs to be fully aware of the standards that must be met in order to certify the member. Rep. Michael Quint expressed concern that the standards or guidelines established must be met by all. If some folks don't, then they must not be certified. Chairman O'Gara summarized the discussion that we all must be willing to raise the bar if necessary to qualify for the program. If a Chief knows that he/she has equipment that doesn't meet current standards they must be willing to step up to the citizens of the community and advise them what must be done to provide a fire department that can safely protect them or disband the department and sign a contract for mutual aid with a community that can do so. The standard cannot be set too high so that small towns can't possibly meet them and at the same time they can't be too low so that the citizenry is endangered. It can't be a gift from the State with no effort from the local community no matter how small they may be. Ted Johnston and Al Godfrey requested that the final vote on this motion be deferred to the December 17, 2001 meeting so that they could discuss the definition with the Lakes Region Mutual Aide Group on December 11, 2001 so that we don't end up with opposition like we had last year. Johnson and Godfrey are in full agreement with this proposal including 24 hours of training and 24 hours of creditable service and want to be sure that the Commission approves this definition unanimously. They feel that if voted today and they have to take it back as cast in concrete it will raise a red flag. After considerable discussion, the Commission agreed that this proposal would be voted on in concept with a final vote on adoption of the definition to take place at the December 17, 2001 meeting. The vote on the concept was unanimous.

Michael Quint reported on his investigation regarding the special assessment tax for financing the Fire Marshal Office. The answers that he received were totally unacceptable. The State can't certify what was collected in September and he expects to hear from them next week on further work on their part. Randy Keep offered Rep. Quint suggestions on how he should be orchestrating this investigation with the tax collectors.

Steve Willis reported on the telephone survey that Susan Pinette will be conducting in the near future. He spelled out how the breakdown would be between career, call and volunteer departments.

Dave Wacker reported on the inconsistencies between Dept. of Labor and Maine Municipal Association statistics on work site injuries. He spelled out a number of municipalities

that are self-insured that show up on one list and not the other. This explains why at an earlier meeting we couldn't reconcile the figures.

Jethro Pease asked where does the RFP subcommittee go from here? The group must meet to discuss the one proposal received. It was agreed the subcommittee will meet directly after this meeting to plan a strategy.

Susan Pinette spoke on LD 1746 and advised that it had been redrafted adding the Commission's requests and has been tabled and asked that it be worked on in the next session. The concept that it apply to everyone was accepted. Susan further advised that LR 2815 "An Act to Safeguard Volunteer Firefighter's Regular Employment" made it through the appeal process and will become a bill in the upcoming session.

Jack Berry spoke about recruitment and retention and how it ties into the new "Homeland Defense". He suggested that the Commission contact the congressional delegation to see how the local fire service can tie into the federal funding for Homeland Defense. The delegation staff members will be invited to the December 17, 2001 dinner meeting at MMA so that we can discuss the issues with them.

Darrel Fournier expressed concern that the RFP review be completed as soon as possible and not to wait until the December 17, 2001 meeting to report back. It was agreed that we can't award the recruitment and retention RFP if OK until we can approve an insurance bridge RFP. A comment discussion initiated by Steve Willis regarding timing was inaudible on the tape recording of the meeting due to various loud exclamations and the Secretary is unable to record this information as requested by Chief Cammack.

New Business

The next meeting of the Commission will be held on Monday December 17, 2001 at 1:00 P.M. in the same facility followed by the dinner meeting at the Maine Municipal Association offices at 5:00 P.M. The next meeting to follow will be Monday January 7, 2002.

With no further business to come before the Commission, the meeting adjourned at 3:50 P.M.

Respectfully submitted,

Albert L. Godfrey, Sr., P.E., P.L.S., C.S.E.
Secretary